

SUMMARY OF SIGNIFICANT CHANGES

INTRODUCTION - This new November 2003 edition of the Navy Marine Corps Acquisition Regulation Supplement (NMCARS) supersedes the August 1997 edition of the Navy Acquisition Procedures Supplement (NAPS). The NMCARS is being issued in conjunction with a first time edition of the Navy Marine Corps Acquisition Guide (NMCAG). The NMCARS has been streamlined to reduce its content and focus principally on mandatory policies and procedures, including delegations of authority and assignment of responsibilities. The NMCAG primarily addresses administrative matters including procedures for processing documents for higher-level approval, internal reporting requirements, and various discretionary practices. All numbering for text in the NMCAG is preceded by the prefix "G52." This is explained in further detail in Section G5201.303 of the NMCAG.

The following summarizes the significant changes incorporated into this new November 2003 edition of the NMCARS.

Item 1 - DoN AUTHORITIES AND RESPONSIBILITIES

Section 5201.601 is amended to add certain responsibilities of the Military Sealift Command and the Chief of Naval Research that previously appeared in Subpart 5208.90, "Services of Ships and Crafts."

Item 2 – PROCUREMENT INTEGRITY

Section 5203.104-7 is amended to implement the requirement at FAR 3.104-7(f) that the head of the agency be notified in accordance with agency procedures before authorizing contract award or execution of a contract modification based on urgent and compelling circumstances. The revised coverage requires the agency head notification to be submitted to DASN(ACQ). In addition, the HCA or designee must verify the agency head's receipt of the notification. (5203.104-7(f))

Item 3 - PROCURING ACTIVITY DEFINITION

Section 5206.003 has been removed since Item I of FAC 97-22 deleted FAR 6.003 and moved the FAR definition of "procuring activity" to FAR 2.101. The definition of "procuring activity" previously appearing at 5206.003 was solely for the purpose of enabling the cognizant competition advocate to exercise the approval authority provided by FAR 6.304(a)(2). Consequently, the coverage at 5206.003 is moved to 5206.304(a)(2).

Item 4 – ACQUISITION PLANNING

Section 5207.103 is amended to (1) remove the exception for the preparation of written Acquisition Plans (APs) for certain categories of acquisitions (previous 5207.103(c)(ii)); but (2) permit HCAs to tailor the content requirements of FAR 7.105 and DFARS 207.105 for such acquisitions (new 5207.103(d)(i)); and (3) designate HCAs as being responsible for prescribing procedures for the review and approval of acquisitions plans and revisions to those plans (5207.103(h)).

Item 5 – INHERENTLY GOVERNMENTAL FUNCTIONS

A new Section 5207.503 is added to designate the Chief of the Contracting Office (CCO) as the individual responsible for resolving disagreements regarding a requiring official's written determination that none of the functions to be performed under a proposed contract are inherently governmental. (5207.503(e))

Item 6 – FEDERAL SUPPLY SCHEDULE ORDERING PROCEDURES

Subpart 5208.4 is removed as having served its purpose.

Item 7 – ENTERPRISE SOFTWARE AGREEMENT (ESA)

A new Section 5208.7403 is added designating the HCA as the agency management official authorized to waive the requirement to obtain commercial software or related services through an ESA.

Item 8 – DEBARMENT AND SUSPENSION

Section 5209.406-3 is amended to eliminate the reference to contracting officer's reports based on DFARS Change Notice 19991118. This Change Notice revised DFARS 209.406-3 to provide that any person (not just a contracting officer) may refer a matter to the debarring and suspending official. (5209.406-3(a)(i))

Item 9 - ELIMINATION OF USE OF CLASS I OZONE DEPLETING SUBSTANCES

Subpart 5211.2 is amended to streamline the previous coverage and rely on existing policy and procedures for managing ozone depleting substances as set forth in the current OPNAVINST 5090.1B, "Environmental and Natural Resources Program Manual." Unique Navy coverage has been moved to the Guide.

Item 10 - PAST PERFORMANCE

Section 5215.305 is amended to provide that when proposal evaluation includes past performance, the automated Past Performance Information Retrieval System (PPIRS) must be used as a source of past performance information. Other sources may be used as appropriate. (5215.305(a)(2))

Item 11 – UNSOLICITED PROPOSALS

A new Subpart 5215.6 and Section 5215.606 are added to designate HCAs as being responsible for establishing contact points and procedures for controlling the receipt, evaluation, and timely disposition of unsolicited proposals. (5215.606(a) and (b))

Item 12 – ECONOMY ACT

A new Subpart 5217.5 and Section 5217.503 are added to establish Navy-wide policy and procedures for the processing of interagency acquisitions under the Economy Act. This coverage implements and supplements the FAR/DFARS and is consistent with SECDEF Memorandum of February 8, 1994, "Use of Orders under the Economy Act" and ASN(RD&A)ABM memorandum of January 23, 1995, "Delegation of Approval Authority for Economy Act Determinations."

Item 13 - FOREIGN ACQUISITION

Part 5225 has been rewritten and reorganized to conform to the revised Part 225 of the DFARS that was promulgated by DFARS Change Notice 20030430.

Item 14 - BONDS AND INSURANCE

Sections 5228.106 and 5228.308 are removed since the submission of questions and requests for guidance to DASN(ACQ) regarding bonds, and the referral of matters to DASN(ACQ) concerning self-insurance should be limited to those circumstances where no other assistance is available.

Item 15 - INVOICING CLAUSES

Section 5232.908 and the clauses at 5252.232-9000 through 5252.232-9003 are removed as having served their purpose. Invoicing instructions are adequately addressed by FAR Part 32 and the applicable FAR Part 252 prompt payment and payment clauses, as well as the clause at 52.212-4, "Contract Terms and Conditions-Commercial Items" for commercial items.

Item 16 - PROTESTS

A new Section 5233.103 is added to designate HCAs as being responsible for establishing procedures for handling requests made by interested parties for an independent review of their protest at a level above the contracting officer. This new coverage also incorporates current policy and procedures set forth in ABM memorandum dated August 13, 1996, subject: "FAR 33.103; Protests to the Agency." (5233.103(d)(4) and (f))

Item 17 - MANAGEMENT OVERSIGHT OF SERVICE CONTRACTS

A new 5237.503 is added requiring all acquisitions of services in excess of the simplified acquisition threshold to comply with the policy and procedures set forth in the "Department of the Navy (DoN) Management and Oversight Process for the Acquisition of Services (MOPAS)." The MOPAS was promulgated by DASN(ACQ) memorandum dated March 10, 2003, subj: "Acquisition of Services."

Item 18 - INFORMATION TECHNOLOGY-RELATED PROCUREMENTS

A new 5239.001 is added to incorporate reference to the ASN(RD&A) memorandum dated October 18, 2002, subj: "Information Technology-Related Procurements" in support of the transition to the Navy Marine Corps Internet (NMCI).

Item 19 - CONTRACTOR PERFORMANCE INFORMATION

A new Section 5242.1503 is added to provide for use of the DoN Contractor Performance Assessment Reporting System (CPARS).

Item 20 - VALUE ENGINEERING

A new Section 5248.103 is added to designate the HCA as the individual responsible for establishing procedures for processing and evaluating Value Engineering Change Proposals (VECPs). (5248.103(a))